

MINUTES OF THE
Allen County Project Development Board Meeting

January 7, 2009

The Allen County Project Development Board (PDB) met in regular session
Wednesday, January 7, 2009 at 4:40 P.M. in the District Courtroom of the Courthouse.

The Allen County Judge Executive, Bobby N., called meeting to order with the roll call.
The following members were present: Allen County Magistrate, Gary Horne, Senior Circuit
Judge, Co-Chairman, Janet Crocker, Senior District Judge, Frank Wakefield II, AOC, Jason
Nemes, , Circuit Court Clerk; Todd
B. Calvert, Kentucky Bar Association, James Secrest, Sr., Citizen at Large; Janet Johnson, Danny
Rhodes, Project Coordinator with Administrative Office of the Courts and Sandra Meador, PDB
Assisting Clerk. Absent from the meeting was Melba Patrick, Secretary, Garlan Vanhook, AOC
Executive Officer for Court Facilities.

In accordance with the Kentucky Court of Justice Rules of Administrative Procedure Part
X, County Judge Bobby Young requested a motion to approve the minutes from the November 5,
2008 meeting. (See copy attached)

Circuit Judge Janet Crocker made a motion to approve the minutes for the November 5,
2008 meeting. Motion was seconded by Gary Horne. Board member James Secrest, Sr., voting
nay. He stated it appeared in the minutes that we received those written proposals and that it
should be made a part of the minutes for posterity sake. After a brief discussion, Circuit Judge
Janet Crocker moved to amend her motion, to approve the minutes of the November 5, 2008
meeting, to include as an attachment to the minutes filed under seal, the written proposals that we
received on behalf of three of the property owners. Frank Wakefield II, seconded the motion. The
amendment was unanimously approved.

Judge Young requested a motion to approve the minutes of the Special Executive Meeting of November 19, 2008. Circuit Judge Janet Crocker made a motion, seconded by Todd Calvert. Motion unanimously approved.

Judge Young stated we need a motion to go into closed session to discuss appraisal of the primary site selection. Motion made by Circuit Judge Janet Crocker to go in closed session for considering the appraisal for the site selection in conjunction with potential acquisition of this property, consistent with the open records law. Seconded by District Judge, Frank Wakefield III. Motion unanimously approved.

Circuit Judge, Janet Crocker made a motion that we go back into open session. Todd Calvert seconded. Motion unanimously approved. She then made a motion to proceed with the finalization of the Real Estate appraisals by Mr. Murphy, that we cancel our February regular meeting and reschedule a Special Meeting on February 11, 2009, at which time we will invite back stakeholder is to meet with the Project Development Board in closed session, at which time we will present Mr. Murphy's appraisal to them for their consideration. Motion was seconded by James Secrest, Sr., with the Board voting unanimously.

Motion made to adjourn at 6:10 p.m. by James Secrest, Sr. Jason Nemes seconded the motion. Motion unanimously approved by the Board.

The responsibilities of the Project Development Board shall act as the agent of both the owner and the Court of Justice during the development of the court facilities.

The Project Development Board shall execute its duties and responsibilities in strict accordance with, and as defined by the Kentucky Court of Justice rules of Administrative Procedure Part X: Real Property Management, section 1, Construction Program Development.

The purpose of this section of Administrative Procedure Part X, establishes the form and format for Construction Program Documents for proposed construction and the means and methods to execute projects approved by the Commonwealth of Kentucky Court of Justice, which are eligible for support by the Administrative Office of the Courts.

"It is the intent of the Court of Justice, whenever feasible, to develop, operate and maintain a facility at or near the Cultural Center of the county in which it serves. Ideally, a new Court of Justice facility will be located adjacent to or very near the facility it replaces. The location of the site should maximize the facility's visual presence in the community and facilitate accessibility from a main public thorough fare. The following outlines the procedures required to solicit and obtain a site."

Should the procurement process and negotiations fail to produce a suitable site and/or a suitable site for a fair and reasonable price, or the price exceeds M.A.I. appraised value, the PDB may recommend to the owner that condemnation actions be initiated. The owner shall initiate and execute the condemnation process.

On June 10, 2008, we received a notice to proceed with the Allen County Judicial Center. This facility would have approximately 40,538 square feet of space at a cost of \$16,014,000. I would like to add, all this economic stimulus is borne by The Commonwealth of Kentucky and not by the The Allen County Fiscal Court.

Since the notice to proceed, we have had monthly meetings, which were advertised and open to all citizens. On November 5, 2008, we held the site selection proposals for anyone wanting their property considered for site selection. We had three proposals for consideration. At this meeting, Mr.

Jason Nemes with the Administrative Office of the Courts discussed the parameters of the site selection procedures. This was also a public meeting.

It is the responsibility, of the Project Development Board, to consider all the sites within the parameters of the site selection procedures, set forth in the Administrative Procedure Part X. We were to select a primary site for consideration. After considering approximately (9) sites for the location of the Allen County Judicial Center, a unanimous decision was reached. At this point a request for appraisal services was advertised. This appraisal was completed by December 31, 2008.

We now have additional properties offered for consideration. However, these sites have already been considered during the evaluation process. **The Project Development Board is not here today to negotiate price or land swaps.**

We are here today to consider the M.A.I. appraised value of the primary site selected by the Project Development Board. All this has been accomplished according to the procedures of the Kentucky Court of Justice rules of Administrative Procedure, Part X.